

Attorney Docket No.: 00P9128US

### **REMARKS**

Upon entry of the Instant Amendment, Claims 1-19 are pending. Claims 1, 5, and 9 have been amended to overcome the Section 112 rejections. Claims 12-19 have been added to more particularly point out applicants' invention. The drawings were amended to add the legend "Prior Art" to FIG. 1. The Specification was amended to correct various informalities. No new matter has been added.

#### **Drawings and Specification**

The drawings were objected to because FIG. 1 did not include the legend "Prior Art." FIG. 1 has been amended to provide the legend. No new matter has been added.

The Specification was objected to because of various informalities. The Specification has been amended in accordance with the suggestions of paragraph 2 in the Official Action. No new matter has been added.

#### **Section 112 Issues**

In claims 1, 5, and 9, the limitation "said frame" was indicated to lack antecedent basis. The claims have been amended to recite "a frame." As such, Applicants respectfully submit that the basis for the objection is obviated.

#### **Prior Art Rejections**

Claims 1-11 have been rejected under 35 U.S.C. 102(b) as being anticipated by WO99/09678. In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by WO99/09678.

Claims 1 and 5 recite "identifying active slots in a frame; and . . . determining a duration of carrier usage based on durations of said active slots;" Claim 9 recites "a slot monitoring module adapted to identify active slots in a frame; and a frequency selection module adapted to determine a duration of carrier usage based on durations of said active slots."

As discussed in the Specification, embodiments of the present invention relate to

Attorney Docket No.: 00P9128US

a frequency hopping spread spectrum telecommunication system which selects carrier frequencies based on the number of active slots. The duration that carriers are employed is then based on the number of active slots, rather than the number of frames.

That is, embodiments of the present invention may employ a frequency selection module 506 and a slot monitor module 508 having a counter 510. The frequency selection module 506 may operate according to any frequency hopping scheme, and receives inputs from the slot monitor 508. More particularly, the slot monitor 508 monitors transmissions and, in certain embodiments, using a counter 510, counts the number of active slots being sent per frame. The slot monitor 508 then informs the frequency selection module of the number of active slots. The duration of these slots is then used by the frequency selection module 506 in its calculation of the amount of time available during a particular period that a given carrier frequency can be used.

In contrast, WO99/09678 relates to determining opportune times for when to make a change in carrier frequency. More particularly, WO99/09678 makes use of inactive time slots to perform a carrier frequency change. WO99/09678 does not, however, determine how long a particular frequency may be used *based on durations* of active time slots, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Newly added claim 12 recites "identifying a number of active slots in a frame; and determining a duration of carrier usage based on total durations of said number of active slots;" newly added claim 16 recites "wherein the fixed station and the mobile station communicate according to a frequency hopping scheme with frequencies chosen by said frequency select module with input from said slot monitor module, said slot monitor module providing said frequency select module with a count of a number of active slots being sent per frame." For reasons similar to those discussed above, Applicants believe these claims, too, are in condition for allowance.

Attorney Docket No.: 00P9128US

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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